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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,924	07/24/2003	Robert A. Arcus	81764BSMR	9487

7590 06/17/2004
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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
1752	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,924

Applicant(s)

ARCUS ET AL.

Examiner

Hoa V. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

This application is before the examiner for consideration on the merits.

- I. The specification has been amended. If a new matter is found, please see the authority sated in *Tronzo v. Biomet Inc.*, 4 USPQ2d 1403 as it has been on the record in the parent application no. 10/151,517 now US patent no. 6,649,331.
- II. Applicants' prior art submission filed on 24 July 2003 has been considered as that in the parent application no. 10/151,517.
- III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- Claims 1-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano et al (6,200,738) considered in view of Bohan et al (5,747,228).

Takano et al disclose, teach and suggest color negative film developing solution comprising (1) a color developing agent, (2) a conventional amount of sulfite ions, (3) a conventional amount of a water soluble pyrrolidone polymer, (4) a conventional pH value and a conventional amount of bromide ions. Please see the whole disclosure of each of the applied references, especially in Takano et al at Example 1, col.73:9-23 and 74:18. For the use of an aminobutyric acid salt buffering agent, it is known in the art to use an aminobutyric acid salt as

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buffering agent..., especially see Bohan et al at col.17:20-30. Since the above references are related to color negative film developing solutions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the known use of an aminobutyric acid salt as buffering agent from Bohan et al in Takano et al color negative film developing solution for the desired buffering result as disclosed, taught and suggested in Bohan et al.

IV. Claims 1-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al (EP 0 800 111) considered in view of Bohan et al (5,747,228).

Hashimoto et al disclose, teach and suggest a ready-to-use color negative film developing solution comprising (1) a color developing agent, (2) a conventional amount of sulfite ions, (3) a conventional amount of a water soluble pyrrolidone polymer, (4) a conventional pH value and a conventional amount of bromide ions. Please see the whole disclosure of each of the applied references, especially in Hashimoto et al at pages 1:34-35, 21:3, 22:15-40, 26:52 to 27:12 and 36-38, Example 2, Table 3, Sample 25. For the use of an aminobutyric acid salt buffering agent, it is known in the art to use an aminobutyric acid salt as buffering agent..., especially see Bohan et al at col.17:20-30. Since the above references are related to color negative film developing solutions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the known use of an aminobutyric acid salt as buffering agent from Bohan et al in Hashimoto et al color negative film developing solution for the desired buffering result as disclosed, taught and suggested in Bohan et al.

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V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:00 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on 571-272-1385

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306,

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
10 June 2004

HOA VAN LE
PRIMARY EXAMINER

Hoa Van Le